

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Severin M. Chmielewski and Daystar
Management Group, Inc., a Minnesota
corporation,

Case No. _____

Plaintiffs,

NOTICE OF REMOVAL

vs.

State Farm Fire and Casualty
Company, a foreign corporation,

Defendant.

Defendant State Farm Fire and Casualty Company as and for the purpose of removing this case to the United States District Court for the District of Minnesota, states as follows:

1. Plaintiff commenced this action by service upon Defendant State Farm Fire and Casualty Company, on or about May 26, 2021. Therefore, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(d). A true and correct copy of the initial Summons and Complaint is attached hereto as **Exhibit A**.

2. Pursuant to 28 U.S.C. § 1332, this Court has original jurisdiction over this civil action because it is between citizens of different states and the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. Venue is proper in this District pursuant to 28 U.S.C. § 1391(a). Therefore, Defendant is entitled to remove this action to this Court under 28 U.S.C. § 1441(a).

4. The following allegations and facts establish that this matter is between citizens of different states:

- A. Plaintiff Severin M. Chmielewski, both at the time of commencing this action and now, was and is a citizen of the State of Minnesota.
- B. Plaintiff Daystar Management Group, Inc. is a Minnesota Corporation with its principal place of business in the State of Minnesota.
- C. Defendant, both at the time of commencing this action and now, was and is incorporated in the State of Illinois, with its principal place of business in the State of Illinois. Accordingly, Defendant is not a citizen of the State of Minnesota. 28 U.S.C. § 1331(c)(1).

5. The following allegations and facts establish that the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs:

- A. Plaintiffs allege that as a result of a fire, a building they owned was totally destroyed and that they have sustained losses in excess of \$300,000. Plaintiff seeks damages in excess of \$50,000.
- B. All other requirements of 28 U.S.C. § 1446 have been met.

6. As set forth in the Affidavit of Service, copies of this Notice of Removal will be served on all adverse parties.

Dated: June 25, 2021

HKM, P.A.

s/ Kathleen Curtis

C. Todd Koebele #17287X

Kathleen K. Curtis #388279

30 East Seventh Street, Suite 3200

St. Paul, MN 55101-4919

Telephone: (651) 227-9411

Fax: (651) 223-5199

tkoebele@hkmlawgroup.com

kcurtis@hkmlawgroup.com

*Attorneys for Defendant State Farm
Fire and Casualty Company*

4814-8297-5214, v. 1